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OFFICE OF PETITIONS

In re Application of	:	
Chyiu Hyia Poon et al	:	
Application No. 10/759,671	:	ON PETITION
Filed: January 16, 2004	:	
Attorney Docket No. CS03-015	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 27, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed August 9, 2005, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). The amendment submitted on February 13, 2006 did not *prima facie* place the application in condition for allowance as noted in the Advisory Action mailed March 16, 2006. Therefore, as no Notice of Appeal (and appeal fee), Request for Continued Examination (RCE) or a continuing application was timely filed. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on February 10, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of August 9, 2005 is accepted as having been unintentionally delay.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This application is being referred to Technology Center AU 2812.

Wan Laymon
Petitions Examiner
Office of Petitions